UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
	10/092,840	PAGAN, WILLIAM GABRIEL
Office Action Summary	Examiner	Art Unit
	MICHAEL ROSWELL	2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>20 April 2009</u>.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-9 and 12-14* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1-9 and 12-14* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____ .
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

This Office action is in response to the Request for Continued Examination filed 20 April
2009.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found
in a prior Office action.

Claims 1,2, 4-8, and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over
Applicant's admitted prior art and Beaudet et al (US Patent 5,491,795), hereinafter Beaudet.

Regarding claims 1 and 7, in Applicant's Fig. 1 and on pages 2-3 of the disclosed
specification, Applicant allows for a pull-down menu in an activated open document window with
a listing of inactive open document windows and corresponding interactive user interface
elements (taught as the ability to select a window through the pull-down menu using point-and-
click methods), and responsive to the selection of the single one of the interactive user interface
elements, performing a pre-defined window manipulation operation upon an inactive open
document window corresponding to the selected interactive user interface element (taught as
the change of focus from the active window to the selected inactive window). Inherently, the
software of the admitted prior art is stored and accessed through machine-readable storage.

However, Applicant's admitted prior art fails to explicitly teach performing a pre-defined
window manipulation operation upon an inactive open document window without activating the
inactive open document window corresponding to the selected single one of said interactive
user interface elements.

Beaudet teaches a window management system wherein a window list is presented to
the user and through the manipulation of an interactive element allows for window management
operations such as moving, sizing, restoring and closing of windows represented in the window
list without changing the focus of the window. See Beaudet, col. 7, lines 17-49.

Therefore, it would have been obvious to one of ordinary skill in the art, having the
teachings of the admitted prior art and Beaudet before him at the time the invention was made
to modify the pre-defined window manipulation through pull-down menus of the admitted prior
art with the interactive window list control system of Beaudet, in order to obtain a pull-down
menu listing windows capable of being operated upon through manipulation of an interactive
element in the menu.

One would be motivated to make such a combination due to the fact that the pull-down
menu presents a list of windows to the user, as does the window control management system of
Beaudet. One would further be motivated to make such a combination for the advantage of the
increased functionality provided by Beaudet over the simple focus change allotted by
Applicant's admitted prior art. See Beaudet, col. 2, lines 1-9.

Regarding claims 2 and 8, the admitted prior art teaches generating a window
manipulation event in response to the selection of an interactive user interface element (the
change of focus after the selection of a window from the pull-down menu). Inherently, the
window manipulation event is processed in a message handling routine associated with the
activated open document window, and identifies the inactive open document window
corresponding to the interactive user interface element, posts a window manipulation event to
the identified inactive open document window, and processes the posted window manipulation
event in a message handling routine associated with the inactive open document window,

allowing for the focus control change from the active window to the selected inactive window.
Inherently, the software of the admitted prior art is stored and accessed through machine-
readable storage.

Regarding claim 4, the admitted prior art teaches a pull-down menu disposed in an
active open document window, a list of inactive open document windows disposed in the pull-
down menu, and a set of activatable interactive user elements disposed in the pull-down menu
corresponding to one of the listed inactive open document windows (see Applicant's Fig. 1).

However, the admitted prior art fails to explicitly teach including a set of interactive user
elements corresponding to listed open document windows, positioned adjacent to a
corresponding open document window, and an event handler configured to a post pre-defined
window manipulation event to inactive open document windows associated with a single
selected one of the activatable interactive user elements, wherein the pre-defined window
manipulation event is performed without activating the inactive open document window
corresponding to the selected single one of said interactive user interface elements.

Beaudet teaches a window management system wherein a window list is presented to
the user and through the manipulation of an interactive element allows for window management
operations such as moving, sizing, restoring and closing of windows represented in the window
list without changing the focus of the window. See Beaudet, col. 7, lines 17-49. As can be seen
in Figs. 1, 2, and 4, Beaudet also teaches positioning an interactive element adjacent to the
listed name of an open document window. Beaudet further teaches an event handler
configured to post pre-defined window manipulation events to inactive open document windows
associated with activated ones of the activatable interactive user elements, taught as the ability
to perform window management operations such as moving, sizing, restoring and closing of

windows represented in the window list without changing the focus of the window. See

Beaudet, col. 7, lines 17-49.

Therefore, it would have been obvious to one of ordinary skill in the art, having the

teachings of the admitted prior art and Beaudet before him at the time the invention was made

to modify the pre-defined window manipulation through pull-down menus of the admitted prior

art with the interactive window list control system of Beaudet, in order to obtain a pull-down

menu listing windows capable of being operated upon through manipulation of an interactive

element in the menu, wherein the pre-defined window manipulation event is performed without

activating the inactive open document window corresponding to the selected single one of said

interactive user interface elements.

One would be motivated to make such a combination due to the fact that the pull-down

menu presents a list of windows to the user, as does the window control management system of

Beaudet. One would further be motivated to make such a combination for the advantage of the

increased functionality provided by Beaudet over the simple focus change allotted by

Applicant's admitted prior art. See Beaudet, col. 2, lines 1-9.

Regarding claim 5, Beaudet has been shown *supra* to teach activatable interactive user

elements that a user may manipulate to perform a variety of window functions. However,

Beaudet fails to explicitly teach these interactive user elements being buttons. At the time the

invention was made, it would have been obvious to a person of ordinary skill in the art to use a

button as the interactive element of Beaudet, for the simple reason that the interactive user

elements of Beaudet function in a manner almost exactly similar to applicant's claimed button.

See Beaudet, col. 4, lines 46-55, wherein the interactive user element (icon) is manipulated by a

single user mouse-click, much like the selection of a generic interface button, as claimed.

Therefore, it would have been obvious to one of ordinary skill in the art to modify

Beaudet to obtain the invention as specified in claim 5.

Regarding claim 6, Beaudet has been shown *supra* to teach a close window event

associated with an interactive element of the disclosed window management system (see col. 7,

lines 45-49).

Regarding claims 12-14, Beaudet teaches interactive user interface elements being

positioned separately from the listing of open document windows, as can be seen in Figs. 1, 2,

and 4.

Claims 3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Applicant's admitted prior art, Beaudet, and Bibayan (US Patent 5,659,694).

Regarding claims 3 and 9, the admitted prior art has been shown to teach a pre-defined

window manipulation operation for an inactive window selectable through a pull-down menu.

However, the admitted prior art and Beaudet fail to explicitly teach performing a window

close operation, print window operation, and a file save operation through the pull-down

window.

While Applicant's admitted prior art and Beaudet do not explicitly teach the use of a print

window or file save operation through the disclosed window management system, such

functions are available in the drop down menu of Bibayan, at col. 11, lines 1-16. As such

operations are notoriously well-known in the art, it would have been obvious to incorporate them

into the menu system of Applicant's admitted prior art and Beaudet, for the purpose of providing

common file controls in a single interface.

Response to Arguments

Applicant's arguments filed 20 April 2009 have been fully considered but they are not

persuasive. Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not

clearly point out the patentable novelty which he or she thinks the claims present in view of the

state of the art disclosed by the references cited or the objections made. Further, they do not

show how the amendments avoid such references or objections. Applicant has provided no

specific examples or references to the prior art concerning how the newly amended claims differ

from the cited prior art.

Furthermore, with respect to the newly added limitations concerning "receiving a

selection of a single one of said interactive user interface elements" and "without activating the

inactive open document window corresponding to the selected single one of said interactive

user interface elements", the examiner contends that, for at least the reasons set forth above,

the cited prior art does indeed teach such limitations. Specifically, Applicant's admitted prior art

teaches a user interface for selecting a single user interface element through the drop down list

box shown in the Figures. Beaudet is relied upon to teach a window manipulation operation and

"without activating the inactive open document window corresponding to the selected single one

of said interactive user interface elements", taught by at least the "hide" and "close" operations

directed to a selected window, which do not involve a change in focus as other operations such

as "restore" and "maximize". This feature in Beaudet has been pointed out in the decision

rendered by the Board of Patent Appeals and Interferences dated 20 February 2009, on page

14.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL ROSWELL whose telephone number is (571)272-4055. The examiner can normally be reached on 9:30 - 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kieu Vu can be reached on (571) 272-4057. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tadesse Hailu/
Primary Examiner, Art Unit 2173

Michael Roswell
6/18/2009